

HOUSE BILL 401

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11r0928

By: **Delegates McDonough, Dwyer, Impallaria, Kipke, Krebs, and O'Donnell**
Introduced and read first time: February 3, 2011
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Institutions of Higher Education – Tuition – Undocumented Aliens**

3 FOR the purpose of prohibiting public institutions of higher education from classifying
4 certain individuals as residents of the State eligible for in-State tuition unless
5 the individuals provide documentation that certifies them as being lawfully
6 present in the United States; requiring each public institution of higher
7 education to use a certain federal program to verify that certain individuals are
8 lawfully present in the United States; requiring the governing board of each
9 public institution of higher education to adopt certain policies; defining a certain
10 term; and generally relating to tuition charges for certain individuals attending
11 public institutions of higher education in the State.

12 BY repealing and reenacting, without amendments,
13 Article – Education
14 Section 10–101(f)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2010 Supplement)

17 BY adding to
18 Article – Education
19 Section 15–106.8
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2010 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Education**

25 10–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (f) "Institution of higher education" means an institution of postsecondary
2 education that generally limits enrollment to graduates of secondary schools, and
3 awards degrees at either the associate, baccalaureate, or graduate level.

4 **15-106.8.**

5 (A) IN THIS SECTION, "INSTITUTION OF HIGHER EDUCATION" HAS THE
6 MEANING STATED IN § 10-101 OF THIS ARTICLE.

7 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
8 A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT CLASSIFY AN
9 INDIVIDUAL AS A RESIDENT OF THE STATE ELIGIBLE TO RECEIVE IN-STATE
10 TUITION UNLESS THE INDIVIDUAL PROVIDES THE INSTITUTION WITH
11 DOCUMENTATION CERTIFYING THAT THE INDIVIDUAL IS LAWFULLY PRESENT IN
12 THE UNITED STATES.

13 (2) IF THE INDIVIDUAL IS AN ALIEN, THE INSTITUTION SHALL USE
14 THE FEDERAL SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE)
15 PROGRAM TO VERIFY THAT THE INDIVIDUAL IS LAWFULLY PRESENT IN THE
16 UNITED STATES.

17 (C) THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER
18 EDUCATION SHALL ADOPT APPROPRIATE POLICIES TO IMPLEMENT THE
19 PROVISIONS OF THIS SECTION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2011.